

REMARKS

Claims 1-47 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

CLAIM OBJECTIONS

The Examiner objects to claims 1, 11, 22, and 32. These objections are respectfully traversed.

Applicants have amended claim 1 to recite, "locally store and queue requests made offline until a connection to the portal system is available." Applicants have amended claim 11 to recite, "A handheld media delivery device adapted to request additional media content from a portal system; comprising: an input adapted to receive broadcast media content having media content information, and adapted to receive the additional media content from ~~[[a]]~~the portal system adapted to receive ~~[[a]]~~the request from the handheld media delivery device, wherein the portal system is adapted to retrieve the additional media content based on the request, and adapted to communicate the additional media content to the handheld media delivery device; a request processor adapted to formulate the request for additional media content based on the media content information and adapted to locally store and queue requests made offline until a connection to the portal system is available;" Applicant's respectfully note that the additional media content, the portal system, and the request are introduced in the preamble of claim 11. Applicants have amended claim 22 to recite, "receiving a request for additional media content from the handheld media delivery device, wherein the handheld media delivery device is adapted to receive broadcast media content

having media content information, adapted to formulate the request based on the media content information, adapted to locally store and queue requests made offline until a connection to the portal system is available, adapted to communicate the request for the additional media content to the portal system, adapted to receive the additional media content from the portal system, and adapted to deliver the additional media content to a consumer; retrieving the additional media content based on the request.” Applicants have amended claim 32 to recite, “formulating a request for the additional media content based on the media content information; locally storing and ~~queueing~~ queuing requests made offline until a connection to the portal is available; communicating ~~[[a]]~~the request for the additional media content to a portal system adapted to receive the request from the handheld media delivery device, adapted to retrieve the additional media content based on the request, and adapted to communicate the additional media content to the handheld media delivery device.”

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the objections.

REJECTION UNDER 35 U.S.C. § 112

Claims 1-47 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

The Examiner appears to ask how the handheld media delivery device can formulate or store a request for media content based on the received media content when it cannot yet have received the media content. This misunderstanding should be alleviated if it is understood that the additional media content is not the broadcast media

content, and that the request for the additional media content can be formulated based on broadcast media content that already can have been received by the handheld media delivery device from another source. For example, regarding claim 1, the Examiner asks how the portal system output of claim 3 can send to the handheld media delivery device the acknowledgement of the request received by the portal system input in claim 1 from the handheld media device. Thus, It appears that it is unclear to the Examiner that the handheld media device first receives broadcast media content from an unspecified source, then formulates the request for additional media content based on the broadcast media content, then queues it offline if necessary, then sends the request to the portal system which responds by acknowledging the request. Therefore, the Examiner's confusion should be alleviated without requirement for claim amendment as long as the Examiner realizes that the broadcast media content (such as a TV show with url metadata) is not the additional media content (such as a web page about the TV show identified by the url), that the broadcast media content is not necessarily received by the handheld media device from the portal system, that it is the handheld device that then stores and queues requests until a connection to the portal system becomes available, and that the sending of the acknowledgment of the request and/or the sending of the additional media content by the portal system to the handheld media delivery device is not what causes receipt of the broadcast media content by the handheld media delivery device. Similarly, the misunderstanding concerning claims 11, 22, and 42 should be alleviated.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejections of claims 1-47 under 35 U.S.C. § 112, second paragraph.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-7, 11-14, 16-28, 32-42, 45 and 46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Kunkel et al. (U.S. Pat. No. 5,961,603). This rejection is respectfully traversed.

The Examiner relies on Kunkel et al. to teach a handheld media delivery device that locally stores and queues requests made offline until a connection to the portal system is available. In particular, the Examiner cites Kunkel et al. at col. 5, lines 1-6, col. 11, line 51, and col. 12, line 62. However, Kunkel et al. at col.5, lines 1-6 describe the headend (i.e. portal/server acting on behalf of ISP) pre-caching all pages associated with broadcasted/published hyperlinks. This pre-stores the media contents that are later to be downloaded to the terminal. It is not queuing requests on the handheld media delivery device. In other words, the cached contents of Kunkel et al. are pre-stored before any requests are made, and regardless what kind of requests are to be made. Similarly, Col.12, Line 45-62 describes details of the pre-cache at the headend, or no pre-cache (i.e. real-time). Notably, the Kunkel et al. system has no relation to whether the connection from headend to terminal is available. It assumes the connection is always made available. The reason for pre-cache is to improve the access time when a content is being requested. Of further note, the pre-cache is made in no relation to any requests to be made. In other words, the pre-cache system does not queue or store requests.

In summary, the Kunkle et al. system is not a portable/handheld system, and the terminal is logically assumed to be connected all the time. The pre-cache feature of the Kunkle et al. system is for the headend (server), and is a different subject matter than

claimed in claim 1, which recites, “the handheld media delivery device is ... adapted to locally store and queue requests made offline until a connection to the portal system is available;” claims 11, 22, 32, and 42 each recite similar subject matter. These differences are significant because, if the Kunkle et al. system becomes a handheld terminal, the problems of discontinued connection would be present, and Kunkle et al. did not address these problems.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 1, 11, 22, 32, and 42 under 35 U.S.C. § 102(b), along with rejection on these grounds of all claims dependent therefrom.

REJECTION UNDER 35 U.S.C. § 103

Claims 8-10, 15, 29-31, 43, 44, and 47 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kunkel et al. (U.S. Pat. No. 5,961,603) in view of Freeman et al. (U.S. Pat. App. Pub. No. 2001/0013123). This rejection is respectfully traversed.

As detailed above with respect to rejection of the independent claims under 35 U.S.C. § 102(b), Kunkel et al. do not teach, suggest, or motivate a handheld media delivery device that locally stores and queues requests made offline until a connection to the portal system is available. Freeman et al. also fails to teach, suggest or motivate this subject matter. These differences are significant because, if the Kunkle et al. system becomes a handheld terminal, the problems of discontinued connection would be present, and neither Kunkle et al. nor Freeman et al. address these problems.

Accordingly, Applicants respectfully request the Examiner reconsider and withdraw the rejection of claims 8-10, 15, 29-31, 43, 44, and 47 under 35 U.S.C. § 103(a) in view of their dependence from allowable base claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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